

A

Notice of Allowability	Application No.	Applicant(s)	
	10/749,917	CHEN ET AL.	
	Examiner	Art Unit	
	Benny Lee	2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to the amendment filed 3 March 2006 under 37 CFR 1.116.
- 2. ☒ The allowed claim(s) is/are 7,10-15,29 and 30.
- 3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 - 1. ☒ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 - 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION
EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Claims:

This application is in condition for allowance except for the presence of claims 8, 9 directed to a species non-elected without traverse. Accordingly, claims 8, 9 have been cancelled.

Comments:

Non-elected claims 8, 9 were not rejoined to the elected species since independent claim 7, as amended, is no longer generic to the embodiment encompassed by claims 8 & 9 (i.e. the embodiment depicted by Fig. 4). It should be noted that amended claim 7 requires inter alia a "second dielectric layer" (i.e. 316) with a dielectric coefficient which is larger than a dielectric coefficient of the third dielectric layer (314) as depicted and described with respect to Fig. 3. However, the above limitation can not apply to the embodiment of Fig. 4 (i.e. which corresponds to the subject matter of claims 8, 9) since the dielectric layer corresponding to the "second dielectric layer" (i.e. 420) does not appear to be a dielectric layer with a dielectric coefficient which is larger than a dielectric coefficient of the dielectric layer corresponding to the "third dielectric layer" (i.e. 414). Since dependent claims (i.e. claims 8, 9) must incorporate by

Art Unit: 2817

reference features recited in the claims from which they depend, the dielectric coefficient of layer (420) in fig. 4 (i.e. corresponding to claims 8, 9) is inconsistent with and thus can not properly depend from the dielectric coefficient of layer (316) in fig. 3 (i.e. corresponding to independent claim 7). Thus for these reasons, independent claim 7 can not be considered generic to the embodiments of Figs. 3 & 4 and thus claims 8, 9 (i.e. corresponding to fig. 4) can not be properly rejoined with non-generic claim 7, and therefore have been canceled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Lee whose telephone number is 571 272 1764.

A handwritten signature in black ink that reads "Benny Lee". The signature is written in a cursive, flowing style.

BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817

B. Lee